



1095 Avenue of the Americas
New York, NY 10036-6797
+1 212 698 3500 Main
+1 212 698 3599 Fax
www.dechert.com

LINDA C. GOLDSTEIN

linda.goldstein@dechert.com
+1 212 698 3817 Direct
+1 212 698 0684 Fax

February 15, 2018

VIA ECF AND HAND DELIVERY

Honorable William H. Pauley, III
United States District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007-1312

Re: *Hughes v. Twenty-First Century Fox, Inc. et al.*, Case No. 1:17-cv-07093 (S.D.N.Y.) (WHP);
Letter-Request on Sealing of Papers Submitted in Opposition to Motion to Quash [ECF Doc. 37]

Dear Judge Pauley:

On behalf of Defendants Twenty-First Century Fox, Inc., Fox News Network, LLC, Dianne Brandi and Irena Briganti (the "Fox Defendants"), pursuant to Rule V.A of the Court's Individual Practices, we submit redacted copies of the following papers in opposition to Plaintiff's Motion to Quash the Fox Defendants' Non-Party Subpoenas *Duces Tecum*: (i) Memorandum of Law in Opposition to Plaintiff's Motion to Quash the Fox Defendants' Non-Party Subpoenas *Duces Tecum*; and (ii) Declaration of Linda C. Goldstein, with Exhibits A through K. Unredacted copies of these documents shall be delivered by hand to the courthouse and by email to all counsel.

This letter-request concerns the public availability of five sworn affidavits submitted in opposition to Plaintiff's motion to quash four subpoenas *duces tecum* that seek, among other things, correspondence of a romantic or sexual nature between Plaintiff and the four male witnesses, none of whom is her husband. Such evidence is directly relevant to Plaintiff's claims of defamation (which allege that "sexual immorality" falsely has been imputed to her) and to the Fox Defendants' defenses to her claims of sexual harassment (including that Plaintiff's two-year sexual relationship with Defendant Charles Payne was consistent with her established pattern of seeking sexual liaisons with men she believed could influence her career). As discussed in the accompanying memorandum of law, such evidence is both discoverable under the Federal Rules of Civil Procedure and admissible under the Federal Rules of Evidence. The five affidavits provide the basis for the Fox Defendants' belief that the witnesses—each of whom is active in conservative politics or media, and each of whom Plaintiff concededly knows—may have engaged in sexual liaisons with Plaintiff while she was married. These affidavits also provide the basis for the Fox Defendants' belief that the four witnesses may possess correspondence or images evidencing the nature of their relationship with Plaintiff.



The Hon. William H. Pauley, III
February 15, 2018
Page 2

In addition to filing this lawsuit, which put her reputation and her sexual history at issue, Plaintiff has given interviews about her false allegations to the National Enquirer, The New York Times, the Washington Post and the Nashville Scene. *See* ECF Docs. 36-17 to 36-20. Recently, she appeared in a video on CBS News's website as well.¹ The relentless publicity campaign waged by Plaintiff and her counsel has resulted in press coverage that, in our view, has been untrue and unfair. Nonetheless—and contrary to Plaintiff's contention in her motion to quash—the Fox Defendants do not seek to “shame” her in public. ECF Doc. 38 at 7. Rather, the Fox Defendants seek only to defend themselves by seeking and obtaining evidence relevant to their defenses. By means of this application, we are affording Plaintiff the opportunity either to withdraw her baseless motion, or to explain to the Court why some or all of the affidavits submitted in opposition to it should be hidden from the view of very same press whose coverage she previously solicited.

Respectfully submitted,


Linda C. Goldstein

Enclosures

cc: All Counsel of Record (by ECF and email)

¹ *See* CBS News, Women Discuss #MeToo, Key Issues Ahead of Trump's First State of the Union (January 31, 2018), available at <https://www.cbsnews.com/video/women-discuss-metoo-key-issues-ahead-of-trumps-first-state-of-the-union/>.